

MAY 27 2005

Attorney Docket No. 10139/104

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re App : Steven A. Burke et al. : Confirmation No. 2220
Serial No. : 10/777,024 : Examiner Arpad F. Kovacs
Filed : February 11, 2004 : Art Unit 3671
For : TOWABLE ROTARY MOWING APPARATUS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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ALEXANDRIA, VA 22313-1450, ON MAY 27, 2005 (37 C.F.R. 1.8a).

**RESPONSE**

Dear Sir:

In response to the Office Action mailed April 27, 2005, claim 1 is elected subject to traverse.

Does the Examiner contend that the identified inventions "are not disclosed as capable of use together", a requirement of the restriction requirement? In fact, it is respectfully submitted that the inventions when combined produce synergistic results (see at least page 12, lines 22-24 of the present application).

Further, the claims each include several common elements. As the Examiner will be familiar with the prior art relating to such common elements, it is efficient for the Examiner to consider all claims. Further, the elements not in common in the independent claims are presented in dependent claims such that searching and examination will require consideration of these element also. Thus, as the Examiner must consider all features, it would be efficient to examine all claims reciting the features in different combinations.

Claims 18-21 have been already indicated as allowable and were previously recognized by the Examiner to be related with claims directed to pivotally supported gang mowers also recited in claims 1, 2 and 25 (see Office communication mailed January 6, 2005). As it is assumed that claims 18-21 were indicated as being allowed only after careful searching and

Serial No. 10/777,024

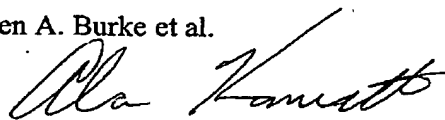
thoughtful examination based upon the prior art, minimal effort is required to indicate the formal allowance of claims 18-21.

As the present action is not the initial action on the merits, but the Examiner has previously recognized that the invention of claims 1, 2, 18 and 25 are related and examined them together. Additionally, the features of independent claims 1, 2, 18 and 25 were recited in the claims as originally filed and should have been searched and considered in the Office communication mailed January 6, 2005. Furthermore, the claims as amended differ only in the particular combinations of such previously searched and considered features.

Thus, it is respectfully submitted that the restriction requirement should be withdrawn for each of these separate and independent reasons. Favorable reconsideration is respectfully requested.

Respectfully submitted,

Steven A. Burke et al.



Dated: May 27, 2005.

Alan D. Kamrath, Reg. No. 28,227
NIKOLAI & MERSEREAU, P.A.
Attorneys for Applicants
900 Second Avenue South
Suite 820 International Centre
Minneapolis, MN 55402
Tel: (612) 392-7306
Fax: (612) 349-6556